

530 ORIGINAL

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name FLETCHER SAPRINA LANISE  
(Last) (First) (Initial)

Prisoner Number X 15772

Institutional Address VAILEY STATE PRISON  
P.O. BOX 92, CHOWCHILLA, CA 93610

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

SAPRINA L. FLETCHER  
(Enter the full name of plaintiff in this action.)

vs.

GLORIA HENRY  
DIRECTOR OF  
CORRECTION, CDC  
WARDEN CHOWCHILLA  
(Enter the full name of respondent(s) or jailor in this action)

**C08-02774**

Case No. \_\_\_\_\_  
(To be provided by the clerk of court)

**PETITION FOR A WRIT  
OF HABEAS CORPUS**

**FILED**

**JUN - 4 2008**

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**

Read Comments Carefully Before Filing In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

1 Complete all applicable questions in the proper blank spaces. If you need additional space to  
2 answer a question, you may attach additional blank pages. Make clear the question to which any such  
continued answer refers.

3 Only one sentence or conviction may be challenged in a single petition. If you challenge more  
4 than one, you must do so by separate petitions.

5 **V. After Petition Is Filed**

6 You will be notified as soon as the court issues an order. It is your responsibility to keep the  
7 court informed of any changes of address to ensure that you receive court orders. Failure to do so may  
result in dismissal of your suit.

8 **VI. Inquiries And Copying Requests**

9 Because of the large volume of cases filed by inmates in this court and limited court resources,  
10 the court will not answer inquiries concerning the status of your case or provide copies of documents,  
except at a charge of fifty cents (\$0.50) per page. You must therefore keep copies of all documents  
submitted to the court for your own records.

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or  
 3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which  
 4 you are imprisoned or by whom you were convicted and sentenced. These are not proper  
 5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief  
 7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose  
 8 custody you are now and the Attorney General of the state in which the judgment you seek to attack  
 9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

12 (a) Name and location of court that imposed sentence (for example; Alameda  
 13 County Superior Court, Oakland):

14 CONTRA COSTA CO MARTINEZ, CA

15 Court

Location

16 (b) Case number, if known NO. 5-050523-0

17 (c) Date and terms of sentence NOV. 18, 2005, 13 YEARS

18 (d) Are you now in custody serving this term? (Custody means being in jail, on  
 19 parole or probation, etc.) Yes X No     

20 Where?

21 Name of Institution: VALLEY STATE PRISON for Women

22 Address: P.O. Box 92, Chowchilla, CA

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for  
 24 more than one crime, list each crime separately using Penal Code numbers if known. If you are  
 25 challenging more than one sentence, you should file a different petition for each sentence.)

26 PEN. Code 211/211.5, PEN. Code 12022.53,  
 27 Sub. (b), 12025 sub (a) (b) (1) 12022.5

28 Robbery, PERSONALLY USING FIREARM;  
CARRYING A CONCEALED FIREARM.

PET. FOR WRIT OF HAB. CORPUS

3. Did you have any of the following?

Arraignment:

Yes ☒ No ☐

Preliminary Hearing:

Yes ☒ No ☐

Motion to Suppress:

Yes ☐ No ☒

4. How did you plead?

Guilty ☐ Not Guilty ☒ Nolo Contendere ☐

Any other plea (specify) N/A

5. If you went to trial, what kind of trial did you have?

Jury ☒ Judge alone ☐ Judge alone on a transcript ☐

6. Did you testify at your trial?

Yes ☐ No ☒

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes ☒ No ☐

(b) Preliminary hearing Yes ☒ No ☐

(c) Time of plea Yes ☒ No ☐

(d) Trial Yes ☒ No ☐

(e) Sentencing Yes ☒ No ☐

(f) Appeal Yes ☒ No ☐

(g) Other post-conviction proceeding Yes ☒ No ☐

8. Did you appeal your conviction?

Yes ☒ No ☐

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes ☒ No ☐

Year: 2005 Result: AFFIRMED

Supreme Court of California Yes ☒ No ☐

Year: 2007 Result: DENIED - 4/26/07

Any other court Yes ☐ No ☒

Year:            Result:           

(b) If you appealed, were the grounds the same as those that you are raising in this

petition?

Yes ☒ No ☐

(c) Was there an opinion?

Yes ☒ No ☐

(d) Did you seek permission to file a late appeal under Rule 31(a)?

Yes ☐ No ☒

If you did, give the name of the court and the result:

N/A

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes ☐ No ☒

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: N/A

Type of Proceeding: \_\_\_\_\_

Grounds raised (Be brief but specific):

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

II. Name of Court: N/A

Type of Proceeding: \_\_\_\_\_

Grounds raised (Be brief but specific):

1 a. N/A

2 b. \_\_\_\_\_

3 c. \_\_\_\_\_

4 d. \_\_\_\_\_

5 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

6 III. Name of Court: N/A

7 Type of Proceeding: \_\_\_\_\_

8 Grounds raised (Be brief but specific):

9 a. N/A

10 b. \_\_\_\_\_

11 c. \_\_\_\_\_

12 d. \_\_\_\_\_

13 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

14 IV. Name of Court: N/A

15 Type of Proceeding: \_\_\_\_\_

16 Grounds raised (Be brief but specific):

17 a. N/A

18 b. \_\_\_\_\_

19 c. \_\_\_\_\_

20 d. \_\_\_\_\_

21 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes \_\_\_\_\_ No X

24 Name and location of court: N/A

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to  
 27 support each claim. For example, what legal right or privilege were you denied? What happened?  
 28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent  
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,  
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One:

PETITIONER ESTABLISHED CASE  
6 OF RACIAL DISCRIMINATION by the  
PROSECUTIONS USE OF PEREMPTORY CHALLENGES  
7 WHICH DENIED PETITIONER DUE  
8 PROCESS IN VIOLATION OF THE  
9 UNITED STATES CONSTITUTION § 6+14  
10 "FACTS" AMENDMENTS  
11 ~~CLAIM TWO:~~

12  
13 Supporting Facts: THE PETITIONER IS OF AFRICAN-  
14 AMERICAN DESCENT.

15 THE PROSECUTION EXCLUDED JUROR  
16 BENNETT - A AFRICAN-AMERICAN.

17 ~~CLAIM THREE:~~ PETITIONER MADE A MOTION TO  
18 DISMISS THE PANEL PURSUANT TO WHEELER

19 Supporting Facts: AND BASTON, SUPRA. MOTION  
20 MADE (OBJECTION) UNDER STATE  
21 AND FEDERAL LAW.

22 THE STATE DECLINED TO OFFER  
23 ANY REASON FOR EXCUSING JUROR BENNETT.  
If any of these grounds was not previously presented to any other court, state briefly which

24 grounds were not presented and why:

25 JUROR BENNETT WAS ASKED VERY FEW  
26 QUESTIONS DURING DIRECT VOIR DIRE. BENNETT  
27 ASSURED COURT SHE COULD BE FAIR.

28 PETITIONER CONTENDS THE TOTALITY OF THE  
RELEVANT FACTS SHOWS PURPOSEFUL RACIAL  
PET. FOR WRIT OF HAB. CORPUS  
DISCRIMINATION AGAINST A COGNIZABLE  
9 GROUP IN VIOLATION OF DUE PROCESS AND  
EQUAL PROTECTION OF U.S. CONST. 6-14

6A

THE PROSECUTOR ASKED MS. BENNETT TWO QUESTIONS ABOUT HER EMPLOYMENT. SHE SAID THAT FOR THE PAST 15 YEARS SHE HAD BEEN TAKING CARE OF DEVELOPMENTALLY DELAYED PEOPLE. SHE HAD ALSO WORKED IN A DAY PROGRAM FOR PATIENTS FOR 12 OR 13 YEARS.

NO FRIEND OR RELATIVE HAD BEEN ARRESTED OR INCARCERATED. NO FAMILY MEMBERS HAD DRUG PROBLEMS. SHE HERSELF HAD NO LEGAL PROBLEMS. SHE WAS NOT ON A JURY THAT FAILED TO REACH A VERDICT.

DESPITE BEING OFFERED THE OPPORTUNITY TO DO SO, THE PROSECUTOR DECLINED THE OFFER TO CLAIM SOME SUBJECTIVE (AND ULTIMATELY UNREVIEWABLE) REASON SUCH AS "BODY LANGUAGE".

THE RECORD REVEALS A WELL QUALIFIED JURY AND FAIR JURY WHO WAS BLACK.

6A



6 B

PETITIONER ASSERTS THE PROSECUTION USE OF RACE-BASED PEREMPTORY CHALLENGES TO REMOVE JUROR BENNETT DENIED PETITIONER ~~OF~~ EQUAL PROTECTION OF THE FOURTEENTH AMENDMENT TO THE FEDERAL CONSTITUTION.

JUROR BENNETT WAS EXCLUDED ON THE BASIS OF GROUP OR RACIAL IDENTITY AND NO OTHER REASON.

THERE WAS NO REASON OTHER THAN HER RACE, FOR EXCLUDING JUROR BENNETT.

VOIR DIRE REVEALED VERY LITTLE ABOUT JUROR BENNETT AND CERTAINLY NOTHING NEGATIVE. ACCORDING TO HER JURY QUESTIONNAIRE, MS BENNETT WAS A WIDOW AND HAD THREE CHILDREN AGED 28, 20 AND 19. SHE HAD FOR FOUR YEARS AS A CAREGIVER SHE HAD PREVIOUSLY BEEN CALLED FOR JURY SERVICE. NO FRIEND OR FAMILY WORKING IN LAW ENFORCEMENT OR BEEN VICTIM OF A CRIME.

List, by name and citation only, any cases that you think are close factually to yours so that they are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning of these cases:

BASTON vs. KENTUCKY (1972) 476 U.S. 79

JOHNSON vs. CAL. (2005) 545 U.S. 162

People vs. AUSA (2006) 38 CAL. 4th 49

People vs. Johnson (2006) 38 CAL. 4th 1896

Do you have an attorney for this proceeding?

Yes

No

If you do, give the name and address of your attorney:

N/A

WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

Executed on

4/19/08

Date

Signature of Petitioner

1) U.S. vs. Bishop (9th Cir. 1992)  
959 F.2d 820.

U.S. vs. Vazquez-Torres (9th Cir 1994)  
22 F.3d 900.

(Rev. 6/02)

WADE vs. JERHUNE (9th Cir. 2000)  
202 F.3d 1190.

People vs. Wheeler 22 Cal. 3d 258.

People vs. Willis 27 CAL 4th 811.

People vs. SILVA 25 CAL 4th 345.

Court Name: U.S. District Court, NDCA  
Division: 4  
Receipt Number: 44611002261  
Cashier ID: lenahac  
Transaction Date: 06/04/2008  
Payer Name: Saprina L. Fletcher

WRIT OF HABEAS CORPUS  
For: Saprina L. Fletcher  
Case/Party: 2-CAN-5-08-CV-002774-001  
Amount: \$5.00

MONEY ORDER  
Check/Money Order Num: 57-64955228  
Amt Tendered: \$5.00

Total Due: \$5.00  
Total Tendered: \$5.00  
Change Amt: \$0.00

RMW

Checks and drafts are accepted  
subject to collections and full  
credit will only be given when the  
check or draft has been accepted by  
the financial institution on which  
it was drawn.



JAMES EARL

104 16th St

Rich, Ca 94804



United States District  
Court Northern District  
of California Oakland  
Division 1301 Clay  
St. Suite 4005  
Oakland, CA 94612-5212